APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,343	03/29/2004	David Leon	037145-3101	5004

30542   7590   10/02/2007

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EXAMINER
ABRAHAM, ESAW T

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
10/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1-14,18-21,23 and 24</u> is/are allowed.

6)☒ Claim(s) <u>15-17 and 22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

RESPONSE TO APPLICANT'S REMARKS

Applicant's arguments see pages 9-13, filed 07/23/07, with respect to claims 1, 9, 15, and 18 have been fully considered and are persuasive. The rejection under 102(e) as being anticipated by U.S. PN: 6,577,599 (Gupta) has been withdrawn. However, upon further consideration, the rejection for claims 15-17 and 22 under non-statutory 101 rejections stays alive.

Claim objections

In view of the applicant's argument filed on 07/23/07, the Examiner withdraws the objections to the claim 20.

Claim Rejections – 35 USC § 112(2nd)

In view of the amendment filed on 07/23/07, the examiner withdraws the 112, 2nd paragraph rejections for claims 4 and 12.

Status of Claims

1.   Claims 15-17 and 22 remain pending.

2.   Claims 1, 4, 9, 12, 18, 20 are allowed.

3.   Claims 2-3, 5-8, 10, 11, 13, 14,19, 21, 23 and 24, have been previously allowed.

Claim Rejections - 35 USC § 101, Non Statutory

4.   Claims **15-17, and 22** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because:

Claims **15, 16 and 22** are directed toward a computer code product comprising computer code configured to transmit data from a sender to a plurality of receivers via a point-to-multipoint session, receivers, determine if expected data was not received at any of the plurality of make a data repair request if any expected data was not received at any of the plurality of receivers and retransmit all of the requested expected-but-not-received data to the plurality of receivers via the point-to-multipoint session.

Claims 15, 16 and 22 lack the program code as being stored in a medium, which enables the functionality of the instructions to be executed. Furthermore, it is unknown what the computer readable medium is? since the specification does not teach a computer readable. As mentioned in the previous office action the applicant's specification page 12 0047 only teaches a computer program product comprising <u>program code stored in the receiver device (not in a computer readable medium) and run in the processor</u> used to implement the procedure at the receiving end.

Claim 17 depend from respective claims, hence inherit the deficiencies of claim 15.

Examiner's statement for reason for allowance

5.   Claims 1, 9 and 18 have been allowed.

The following is an examiner's statement for allowance:

As per claim 1:

The prior art, Gupta et al. (U.S. PN: 6,577,599) of record teach or disclose a method and an apparatus for efficient and reliable multicasting in a network environment and a sender transmits identical information encapsulated in data packets

to a plurality of receivers wherein periodically, receivers submit responses that include

control information regarding the loss (expected data not received) or receipt of data

packets transmitted by the sender and using these information a sender retransmits any

undelivered packets to intended receivers (see col. 6, lines 14-23 and abstract).Gupta

et al. in figure 3, step (310) teach that the sender analyzes data-loss response

generated by the receiver and further adjusts the response rate at step (330), so that

the multicasting (point-to-multipoint) of information is accomplished most optimally (i.e.

minimizing the network traffic, and maximizing error recovery and repair) (see col. 9,

lines 28-39). However, the prior art taken singly or in combination fail to teach,

anticipate, suggest, or render obvious if some expected data was not received, sending

a data repair request to the sender requesting that the expected-but-not-received data

be resent; and retransmitting from the sender all of the requested expected-but-not-

received data via the point-to-multipoint session. Consequently, claim 1 is allowed over

the prior art.

As per claim 9:

The prior art, Gupta et al. (U.S. PN: 6,577,599) of record teach or disclose a

method and an apparatus for efficient and reliable multicasting in a network

environment and a sender transmits identical information encapsulated in data packets

to a plurality of receivers wherein periodically, receivers submit responses that include

control information regarding the loss (expected data not received) or receipt of data

packets transmitted by the sender and using these information a sender retransmits any

undelivered packets to intended receivers (see col. 6, lines 14-23 and abstract).Gupta

et al. in figure 3, step (310) teach that the sender analyzes data-loss response

generated by the receiver and further adjusts the response rate at step (330), so that

the multicasting (point-to-multipoint) of information is accomplished most optimally (i.e.

minimizing the network traffic, and maximizing error recovery and repair) (see col. 9,

lines 28-39). However, the prior art taken singly or in combination fail to teach,

anticipate, suggest, or render obvious the plurality of receivers are configured to receive

data transmitted by the sender device, determine if any expected data was not received,

and, if so, send a data repair request back to the sender device requesting that the

expected-but-not-received data be resent; and the sender device is configured to

receive data repair requests from the plurality of receivers and to retransmit all of the

requested expected-but-not-received data to the plurality of receivers via the point-to-

multipoint session. Consequently, claim 9 is allowed over the prior art.

As per claim 18:

The prior art, Gupta et al. (U.S. PN: 6,577,599) of record teach or disclose a

method and an apparatus for efficient and reliable multicasting in a network

environment and a sender transmits identical information encapsulated in data packets

to a plurality of receivers wherein periodically, receivers submit responses that include

control information regarding the loss (expected data not received) or receipt of data

packets transmitted by the sender and using these information a sender retransmits any

undelivered packets to intended receivers (see col. 6, lines 14-23 and abstract).Gupta

et al. in figure 3, step (310) teach that the sender analyzes data-loss response

generated by the receiver and further adjusts the response rate at step (330), so that

the multicasting (point-to-multipoint) of information is accomplished most optimally (i.e.

minimizing the network traffic, and maximizing error recovery and repair) (see col. 9,

lines 28-39). However, the prior art taken singly or in combination fail to teach,

anticipate, suggest, or render obvious means for receiving data repair requests from the

plurality of receivers requesting expected-but-not-received data, means for

retransmitting all of the requested expected-but-not-received data via a point-to-

multipoint session. Consequently, claim 18 is allowed over the prior art.

Conclusion

6.   Any inquiry concerning this communication or earlier communication from the

examiner should be directed to Esaw Abraham whose telephone number is (571) 272-

3812. The examiner can normally be reached on M-F 8-5.

        If attempts to reach the examiner by telephone are successful, the examiner's

supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone

numbers for the organization where this application or proceeding is assigned are (571)

273-8300.

        Information regarding the status of an Application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or PUBLIC PAIR. Status

information for unpublished applications is available through Private Pair only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have

questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Esaw Abraham

Esaw Abraham

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